

## PATENT COOPERATION TREATY

PCT

EV 300748508 US

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

|   |   |   |                       |
|---|---|---|-----------------------|
| Applicant's or agent's file reference<br>FP20898  | FOR FURTHER ACTION  |   | See Form PCT/IPEA/416 |
| International application No.<br>PCT/AU2004/001831  | International filing date ( <i>day/month/year</i> )<br>23 December 2004 | Priority date ( <i>day/month/year</i> )<br>23 December 2003 |                       |
| International Patent Classification (IPC) or national classification and IPC<br><br>Int. Cl.<br><br><i>G06Q 30/00 (2006.01)</i> |   |   |                       |
| Applicant<br>AUCTION HOUSE AUSTRALIA PTY LTD et al  |   |   |                       |

|  |
|--|
| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.   |
| 2. This REPORT consists of a total of 3 sheets, including this cover sheet.  |
| 3. This report is also accompanied by ANNEXES, comprising:   |
| a. <input checked="" type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of 8 sheets, as follows:   |
| <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).  |
| <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.   |
| b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |
| 4. This report contains indications relating to the following items:   |
| <input checked="" type="checkbox"/> Box No. I Basis of the report  |
| <input type="checkbox"/> Box No. II Priority   |
| <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV Lack of unity of invention   |
| <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  |
| <input type="checkbox"/> Box No. VI Certain documents cited  |
| <input type="checkbox"/> Box No. VII Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII Certain observations on the international application  |

|   |   |
|---|---|
| Date of submission of the demand<br>24 October 2005   | Date of completion of this report<br>28 March 2006                      |
| Name and mailing address of the IPEA/AU<br><br>AUSTRALIAN PATENT OFFICE<br>PO BOX 200, WODEN ACT 2606, AUSTRALIA<br>E-mail address: pct@ipaaustralia.gov.au<br>Facsimile No. (02) 6285 3929 | Authorized Officer<br><br><b>S KAUL</b><br>Telephone No. (02) 6283 2182 |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001831

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

- The international application in the language in which it was filed  
 A translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:  
 international search (under Rules 12.3(a) and 23.1 (b))  
 publication of the international application (under Rule 12.4(a))  
 international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- the international application as originally filed/furnished

- the description:

pages 1, 4, 6 - 18 as originally filed/furnished

pages\* 2, 3, 5 received by this Authority on 24 October 2005 with the letter of 24 October 2005

pages\* received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_

- the claims:

pages as originally filed/furnished

pages\* as amended (together with any statement) under Article 19

pages\* 19 - 23 received by this Authority on 24 October 2005 with the letter of 24 October 2005

pages\* received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_

- the drawings:

pages 1-5 as originally filed/furnished

pages\* received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_

pages\* received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to the sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001831

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

|                               |               |     |
|-------------------------------|---------------|-----|
| Novelty (N)                   | Claims        | YES |
|                               | Claims 1 - 26 | NO  |
| Inventive step (IS)           | Claims        | YES |
|                               | Claims 1 - 26 | NO  |
| Industrial applicability (IA) | Claims 1 - 26 | YES |
|                               | Claims        | NO  |

## 2. Citations and explanations (Rule 70.7)

- D1: US 2003/0195839 A
- D2: WO 2003/038723 A
- D3: WO 2002/103477 A
- D4: US 2002/0123959 A
- D5: US 2002/0062276 A
- D6: CA 2282173 A
- D7: WO 2000/034899 A

## Novelty and Inventive Step – Claims 1 to 26

The invention defined by all claims lacks novelty and inventiveness in light of D1, D2, D3, D4, D5, D6 and D7, each of which discloses all of the essential features of the invention. Any differences between the claims and the citations are inessential features and/or elements of the common general knowledge in the art.

The amendments introduce the feature of creating a record of the communication between the prospective purchaser and the person managing the sale into the claims. These citations all disclose online auctioning systems where bids are sent from a prospective purchaser to an auctioneer. These bids (ie communications) must in all cases be stored for the auctioning systems to work.

## For example

- D1 See Figure 5, item 240 and associated description
- D2 See Pages 5 and 6 with regard to the description of Figure 3.
- D3 See figure 1, item 22, auction database
- D4 See Figure 1B, item 33.
- D5 See paragraph [0058]
- D6 See Figure 3, item 52
- D7 See Figure 3 item 307

Claims 1 to 26 are not novel and do not involve an inventive step.

- 2 -

IAP2 Rec'd PCT/PTO 23 JUN 2006

transaction, the system comprising:

obtaining means operable to obtain information pertaining to an object that is for sale;

forwarding means operable to forward the information 5 pertaining to the object to a first computing device that is arranged to present the information to a prospective purchaser; and

establishing means operable to establish a communicating means associated with the first computing 10 device and a second computing device that is used by a person managing a sale of the object, the communicating means being such that it allows the prospective purchaser and the person managing the sale to use the first computing device and the second computing device, respectively, to 15 communicate with each other in relation to the sale of the object, the communicating means also being arranged to create a record of communication between the prospective purchaser and the person managing the sale.

20 Thus, in the case where the sale of the object is being conducted by auction the present invention provides the advantages of allowing the person managing the sale of the object (for example, an auctioneer) to accept bids for the object from parties who are unable to attend a venue at 25 which the auction is being held. Furthermore, the present invention allows the person managing the sale to interact with the parties unable to attend the venue, thereby allowing the person managing the sale to control the progress of the auction.

30

Preferably, the communicating means is operable to assist the person managing the sale to conduct the sale in accordance with an auction process or a tender process.

35 Thus, providing the person with assistance in managing the sale provides the advantage of allowing the person managing the sale to focus on interacting with the

- 3 -

crowd. By way of example, the communicating means provides assistance by automatically presenting the prospective purchaser with information that indicates when the tender process is due to close.

5

Preferable, the tender process comprises a closed tender process or an open tender process.

As persons skilled in the art will readily  
10 appreciate, a closed tender process is one in which persons are unable to view submitted tenders until the deadline for submitting offers has passed. In contrast to a closed tender, an open tender is such that tender submission are open for viewing before the deadline for submitting offers  
15 has passed.

Preferably, the communicating means is operable to restrict an ability of the prospective purchaser to communicate with the person managing the sale based on  
20 whether the prospective person is registered to participate in the sale of the object.

Thus, being able to restrict the ability of the prospective purchaser to communicate with the person managing the sale provides the advantage of minimising the likelihood of 'dummy' offers to purchase the object being made.

Thus, the record provides the advantage of allowing  
30 the communication between the prospective purchaser and the person managing the sale to be analysed.

Preferably, the communicating means is operable to allow a party to use a third computing device to access and  
35 edit the information pertaining to the sale.

Preferably, the object comprises real estate.

According to a second aspect of the present invention  
5 there is provided a method for facilitating a transaction,  
the method comprising the steps of:

obtaining information pertaining to an object that is  
for sale;

forwarding the information pertaining to the object  
10 to a first computing device that is arranged to present the  
information to a prospective purchaser; and

establishing a communicating means associated with  
the first computing device and a second computing device  
that is used by a person managing a sale of the object, the  
15 communicating means being such that it allows the  
prospective purchaser and the person managing the sale to  
use the first computing device and the second computing  
device, respectively, to communicate with each other in  
relation to the sale of the object, the communicating means  
20 also being arranged to create a record of communication  
between the prospective purchaser and the person managing  
the sale.

Preferably, the communicating means is operable to  
25 assist the person managing the sale to conduct the sale in  
accordance with an auction process or a tender process.

Preferably, the tender process comprises a closed  
tender process or an open tender process.

30

Preferably, the communicating means is operable to  
restrict an ability of the prospective purchaser to  
communicate with the person managing the sale based on  
whether the prospective person is registered to participate  
35 in the sale of the object.